

Job#:N-A032-1/21-0766

Winston & Strawn

## AFFIDAVIT OF SERVICE

Index #: 07CV7770  
COURT: United States District COUNTY: Southern N.Y.

TAP Electrical Contracting Service

Plaintiff

against

**E.E. Cruz & Co. Inc., et al.  
and Other Third Party Actions**

Defendant

STATE OF NEW YORK, COUNTY OF New York :SS:

Robert Lee Jenkins being duly sworn deposes & says:  
I am over 18 years of age, not a party to this action, and  
reside in the State of New York.

That on **December 17, 2007 at 4:51 pm**  
at **292 Fifth Avenue, New York, New York, 10001**

I served the **Summons, Answer to Third Party Complaint, Affirmative Defense, Cross Claims, and 2nd  
3rd Party Summons & 2nd 3rd Party Complaint**  
upon: **Winston Smith P.E. P.C.**  
therein named, by delivering to & leaving personally with  
**N. Gonzalez**, a true copy of each thereof  
Deponent describes the person actually served as follows:

SEX:	Female
COLOR:	Hispanic
HAIR:	Black
AGE:	40
APP HT:	5'4 "
APP WT:	140

DEPONENT further says; that at the time of such service I knew the said person served  
to be authorized to accept service

Sworn to before me this  
December 18, 2007

Lana Faith Pollack  
Commissioner of Deeds  
No. 1- 5547  
Qualified in New York County  
Commission Expires July 1, 2008

Robert Lee Jenkins 1189336

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Plaintiff  
TAP ELECTRICAL CONTRACTING SERVICE

SUMMONS IN A CIVIL ACTION

V.  
E.E. CRUZ & CO., INC.  
(SEE ATTACHED RIDER FOR FULL CAPTION)

CASE NUMBER: 07 CV 7770

TO: (Name and address of Defendant)

Second Third-Party Defendant  
Winston Smith, P.E., P.C.  
292 5th Avenue  
New York, New York 10001-4513

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

KENNETH D. O'REILLY, ESQ. (KO 0172)  
WINSTON & STRAWN LLP  
200 PARK AVENUE  
NEW YORK, NEW YORK 10166

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.


**J. MICHAEL McMAHON**

CLERK

DEC 17 2007

DATE

(By) DEPUTY CLERK



UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

-----X	
TAP ELECTRICAL CONTRACTING SERVICE, INC.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
E. E. CRUZ & CO., INC.,	:
	:
Defendant.	:
	:
-----X	
E. E. CRUZ & CO., INC.,	:
	:
Third-Party Plaintiff,	:
	:
-against-	:
	:
MALCOLM PIRNIE, INC. and URS CORPORATION,	:
	:
Third-Party Defendants.	:
	:
-----X	
URS CORPORATION -- NEW YORK,	:
	:
Third Party Defendant/Second Third-Party Plaintiff,	:
	:
-against-	:
	:
WINSTON SMITH, P.E., P.C.,	:
	:
Second Third-Party Defendant.	:
-----X	

Civil Case No.: 07 CV 7770 (GD)

**RIDER TO SUMMONS**